REMARKS

Claims 11 and 29 are all the claims pending in the present application. Claims 11 and 29

remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Montero (US

Patent No. 6,133,912) in view of "SQL Reference ", IBM Corp., Copyright IBM Corp. 1993,

1997 (hereinafter referred to as "IBM").

§103(a) Rejections (Montero / IBM) - Claims 11 and 29

With respect to independent claim 11, Applicants previously argued that the count

function of the IBM reference does not satisfy the specific feature, "wherein said information

providing means further includes counting means for counting a number of client devices which

have sent a request for transmission of information or a number of client devices to which said

information sending means has sent requested information, according to the classifications of the

information." That is, Montero describes that advertisers are better able to select their target

audiences for the promotions, advertisements and the like, however there is no teaching or

suggestion that the count function of the IBM reference, in combination with the teachings of

Montero, would satisfy the specific feature of counting a number of client devices which have

sent requests for transmission of information or a number of client device to which the

information sending means has sent requested information, according to classifications of

information. The Examiner has made an unsupportable 'leap' in concluding that the disclosures

of the applied references satisfy the very specific claim features above. In response, the

Examiner alleges:

> Before an explanation of the prior art, Examiner would like to
> point out that the mere act of counting without a positive recitation
> that the "counting means" has any sort of functional relationship
> with any other element in the claimed invention does not

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distinguish patentability. In other words, it would have been obvious to include the limitation of counting a number of client devices, especially if the counting functionality is not used in any way. Therefore the mere act of counting has no patentable weight, since it is not used for any specific purpose. The claim does not explain why this count is obtained or how it is used. Therefore, the limitation is not paramount to the issue of patentability.

For argument sake, let us assume that counting without any use of the count value was of importance. As explained in the previous rejection, Montero disclosed keeping track of all requests and interactions from subscribers, and keeping this information in a database (Montero, col. 14, lines 1-5), each record including the subscriber ID of the subscriber terminal, and the requested content (Montero, col. 13, lines 30-40). As also explained above, Montero did not provide detail on the basic functions of database commands. The IBM reference was used to show that the standard COUNT command was a well-known database command to count records based on certain attributes stored within the database. Therefore, clearly the use of a database is to store records based on certain attributes in order to 'keep record' of information, but the Applicants are suggesting that one of ordinary skill would not be savvy enough to count these records based on these attributes. The Examiner can find no reason to believe why it would not have been obvious to count records in a database, since the whole purpose of a database is to keep track of records in the first place.

In response, Applicants submit that the test for obviousness is not whether one of ordinary skill in the art would have been savvy enough to count records based on attributes, but the test is whether the applied references, either alone or in combination, would have disclosed or suggested the above-discussed feature of claims 11 and 29 to one of ordinary skill in the art. The savviness of one of ordinary skill in the art is not of issue here, but clearly there is no teaching or suggestion of counting a number of client devices which have sent requests for transmission of information or a number of client device to which the information sending means has sent requested information. Yet further, there is no teaching or suggestion of performing said counting operation according to classifications of information.

Further, Applicants submit that the applied references, either alone or in combination, do not disclose or suggest at least, "wherein when said information is updated, said counted number

of client devices which have sent said request for transmission of information is reset to an initial value," as recited in amended claim 11 and similarly recited in claim 29.

Therefore, at least based on the foregoing, Applicant submits that claims 11 and 29 are not rendered obvious over the applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
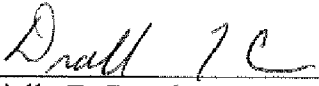
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